



TOWN CLERK

Kandy L. Lavallee  
Town Clerk

**TOWN OF GRAFTON**  
GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD  
GRAFTON, MASSACHUSETTS 01519  
(508) 839-5335 ext. 1195  
clerks@graffton-ma.gov

**CERTIFICATE OF NO APPEAL**

**RECEIVED**

**NOV 20 2019**

Building Department

DECISION: GRAFTON ZONING BOARD OF APPEALS  
2019/863- Special Permit

PETITIONER: Maxwell Realty Trust  
58 Castine Street, Worcester, MA 01606

OWNER: Maxwell Realty Trust- Michael Capruso, Trustee  
33 Bernard Road, Grafton, MA

DEED REFERENCE: 33 Bernard Road  
Assessor's Map 55, Lot 71;  
Worcester District Registry of Deeds  
Book 60288, Page 300;

This is to certify that the Decision of the Grafton Zoning Board of Appeals on the petition of the above-named Petitioner to allow the construction of a roof dormer/addition 13.6' off the side setback, at property located at 33 Bernard Road, Grafton was duly recorded in the Town Clerks office on October 28, 2019 at 2:15 pm.

No Notice of Appeal of the Decision was filed in this office within the twenty days next, the appeal period ending on November 18, 2019.

A true copy, ATTEST:

*Kandy L. Lavallee*  
Kandy L. Lavallee, Town Clerk  
Grafton, MA

**RECEIVED**  
**NOV 21 2019**  
Zoning Board of Appeals



2019 00124881

BK: 61451 Pg: 317

Page: 1 of 3 11/20/2019 10:33 AM WD



**ZONING BOARD OF APPEALS  
TOWN OF GRAFTON**

GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD  
GRAFTON, MASSACHUSETTS 01519

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www.grafton-ma.gov

RECEIVED TOWN CLERK  
GRAFTON MA

2019 OCT 28 PM 2:15

**THE COMMONWEALTH OF MASSACHUSETTS RECEIVED  
Town of Grafton  
BOARD OF APPEALS**

NOV 20 2019

Building Department

**2019/Case #863**

**Special Permit**

Decision of the Board of Appeals on the petition from MAXWELL REALTY TRUST OF 58 CASTINE STREET, WORCESTER, MA, requesting a Special Permit to allow the construction of a roof dormer/addition on a pre-existing, non-conforming structure, where a 15' side yard setback is required and the current setback is 1.6'. **BOOK: 60288 PAGE: 300**

At their duly held meeting on Thursday, October 17, 2019 the Zoning Board of Appeals took the following action: Motion made by Ms. Reed and seconded by Mr. Chapin, that the Zoning Board of Appeals grant a Special Permit to Maxwell Realty Trust at 33 BERNARD ROAD, GRAFTON, MA.

**TO ALLOW THE CONSTRUCTION OF A ROOF DORMER/ADDITION 13.6' OFF THE SIDE SETBACK, PER EXHIBIT A, ATTACHED.**

**FINDINGS:**

- F1. THE STRUCTURE WAS BUILT IN 1928.
- F2. THE PARCEL IS LOCATED IN THE R20 ZONING DISTRICT.
- F3. THE R20 ZONE REQUIRES A 140' OF FRONTAGE.
- F4. THE PARCEL HAS 50' OF FRONTAGE.
- F5. THE R20 ZONE REQUIRES A 20,000 SQUARE FOOT LOT.
- F6. THE STRUCTURE IS LOCATED ON A 4,325 SQUARE FOOT LOT.
- F7. THE R20 ZONE REQUIRES A 15' SIDE YARD SETBACK AND THE STRUCTURE IS LOCATED 1.6' OFF THE SIDE YARD SETBACK.
- BASED ON FINDINGS F1-F7, THE CURRENT STRUCTURE IS A PRE-EXISTING, NON-CONFORMING STRUCTURE.
- F8. THE CURRENT USE IS A SINGLE FAMILY RESIDENCE, THE PROPOSED USE WILL BE A SINGLE FAMILY RESIDENCE.
- F9. THE CURRENT HOME IS A 2 BEDROOM, 1 ½ BATH HOME, PROPOSED HOME IS A 2 BEDROOM, 1 ½ BATH HOME.
- F10. THE NEIGHBORHOOD CONSISTS OF PRIMARILY SINGLE FAMILY HOMES.

BASED ON FINDINGS F8-F10, THE PROPOSED ADDITION IS NOT MORE  
DETRIMENTAL TO THE NEIGHBORHOOD.

F11. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT.

F12. THE CHANGE WILL BE AN INCREASE OF 0% OF THE LOT COVERAGE.

BASED ON FINDINGS F11-F12, THE PROPOSED ADDITION IS LESS THAN THE 50%  
INCREASE ALLOWED.

**ON A ROLL CALL VOTE:**

William McCusker, Chairman: **YES**

William Yeomans, Vice Chairman: **ABSENT**

Kay Reed, Clerk: **YES**

Marianne Desrosiers, Member: **YES**

Karl Chapin, Member: **YES**

Brian Waller, Alternate Member: **YES**  
, Alternate Member:

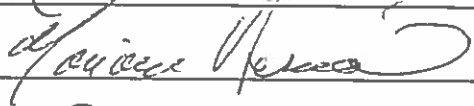
Motion: **GRANTED**

This decision is final except that any person who may be aggrieved by this decision has the right  
to appeal to the Superior Court in accordance with the provisions G.L.c.40A.

William McCusker, Chairman 

William Yeomans, Vice Chairman

Kay Reed, Clerk 

Marianne Desrosiers, Member 

Karl Chapin, Member 

Brian Waller, Alternate Member

, Alternate Member

A complete file of this case (Case # 863/2019) is on file with the Town Clerk.

A true copy;

Attest:

\\Grafton\SERVER6\Building\Electronic Street File\Bernard Road Building Number #33\Decision Bernard Road.docx

  
Kandy L. Lavallee, Town Clerk

Grafton, MA

Page 2 of 2

ATTEST: WORC. Kathryn A. Toomey, Register